

REMARKS

Claims 1-16 remain pending in the present application. Claims 1-16 are rejected. Claims 17-23 are canceled. No new matter has been added.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-16

The present office action states that Claims 1-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over by Huffman et al. (2005/0086397), hereinafter “Huffman” in view of Feldman et al. (2003/0115147), hereinafter “Feldman” and further in view of Fiacconi et al. (4,862,354), hereinafter “Fiacconi”.

Applicants respectfully submit Claim 1 (and similarly Claim 9) includes the features, “polling a media device of a computing system for a media change wherein said polling of said media device cannot be blocked by said computing system.” (Emphasis Added).

I. With respect to Huffman, on page 4 the Office Action states, “Huffman et al. does not appear to explicitly disclose: *said media change notification distinct from and operating in parallel with an autorun protocol component of said computing system; polling for or receiving a message from a device that cannot be blocked or cannot be obstructed by the computer system.*” (Emphasis Added)

For this reason, Applicants respectfully submit that Huffman does not teach or render obvious the features recited in independent Claims 1 and 9.

II. With respect to Huffman in view of Feldman, on page 5 the Office Action states, “The combination of Huffman et al. and Feldman et al. does not appear to explicitly disclose: *polling for or receiving a message from a device that cannot be blocked or cannot be obstructed by the computer system*” (Emphasis Added)

Thus, Applicants respectfully submit that Huffman in view of Feldman fails to teach or render obvious the features recited in independent Claims 1 and 9.

III. With respect to Fiacconi in view of Huffman in view of Feldman, Applicants submit that Fiacconi also does not overcome the shortcomings of Huffman in view of Feldman with respect to the Claimed features, “polling a media device of a computing system for a media change wherein said polling of said media device cannot be blocked by said computing system.” (Emphasis Added).

A. According to MPEP 2141.01(a)

I. TO RELY ON A REFERENCE UNDER 35 U.S.C. 103, IT MUST BE ANALOGOUS PRIOR ART

The examiner must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. **>"Under the correct analysis, any need or problem known in the field of endeavor at the time of the invention and addressed by the patent [or application at issue] can provide a reason for combining the elements in the manner claimed." *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1397 (2007). Thus a reference in a field different from that of applicant's endeavor may be reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his or her invention as a whole. (Emphasis Added)

Applicants respectfully contend that Fiacconi is not analogous art.

Moreover, Applicants submit the reason provided for Fiacconi to be considered analogous art as provided on page 6 is improper as being based on speculation and is not supported by the Fiacconi reference.

On page 6, the Office Action states, “Huffman et al., Feldman et al., and Fiacconi et al. are analogous art because they are from the *"same field of endeavor"* and are from

the same "problem-solving area,". Namely, they are all from the field of "information security"." (Emphasis Added)

Applicants have reviewed Fiacconi including the cited portions "[see (Fiacconi et al. Abstract Lines 1-17; Column 6 Lines 41-50)]" and find no reference to the field of "information security".

In contrast, Applicants understand Fiacconi to relate "to a multiprocessor system architecture and more particularly to method and apparatus by which the processors communicate with one another."

Therefore, for the reasons provided in the present Office Action with respect to the shortcomings of Huffman and Feldman; and for the improperly cited non-analogous teachings of Fiacconi, Applicant respectfully submits that the combination of Huffman in view of Feldman and in further view of Fiacconi are not sufficient to render Applicants Claims 1 and 9 *prima facie* obvious.

For at least these reasons, Applicants respectfully submit that Huffman in view of Feldman and in further view of Fiacconi fails to teach or render obvious the features recited in independent Claims 1 and 9.

B. Appellants submit that the initial burden of factually supporting the prima facie conclusion of obviousness has not been met. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also KSR, 550 U.S. at ___, 82 USPQ2d at 1396." (Emphasis Added)

As stated on page 5 of the Office Action, "The combination of Huffman et al. and Feldman et al. does not appear to explicitly disclose: polling for or receiving a message

from a device that *cannot be blocked* or *cannot be obstructed* by the computer system”
(Emphasis Added)

With respect to Fiacconi, assuming arguendo that Fiacconi is analogous art, the rejection remains improper as the Office Action does not provide a prima facie case supporting the assertion that Fiacconi overcomes the shortcomings of Huffman and Feldman.

On page 5 Office Action states, “However, Fiacconi et al. discloses: polling for or receiving a message from a device that *cannot be blocked* or *cannot be obstructed* by the computer system [see (Fiacconi et al. Abstract Lines 1-17; Column 6 Lines 41-50) where Fiacconi et al. teaches a computer system that polls for or receives messages from a device in which the polling or receipt of messages cannot be blocked or obstructed by the computer system by the locking of the polling or message receipt operations and the prevention of the execution of other operations during the time of the locked polling or message receipt operations]”

Applicants have reviewed Fiacconi including the cited portions and find no “blocking” or “obstructing” language.

For at least these reasons, Applicants respectfully submit that Huffman in view of Feldman and in further view of Fiacconi fails to teach or render obvious the features recited in independent Claims 1 and 9.

C. Moreover, the claimed features are directed toward, “polling a media device of a computing system for a media change wherein said polling of said media device cannot be blocked by said computing system.” (Emphasis Added).

In contrast, the cited portions of Fiacconi state:

Abstract Lines 1-17 “A multiprocessor system architecture in which two processors are each provided with an autonomous bus and the two buses can be selectively connected to each other to form a unique system bus which enables

access by all processors to common memory resources connected to one of the autonomous buses. The communication between processors takes place through messages stored into mailboxes located in the common memory. The presence of a message is evidenced by a notify/interrupt signal generated by a logic unit to which each processor has access to modify and verify the logic unit's status, using the processor's autonomous bus, and without interfering with operations using the other autonomous buses of the other processor. Such verification and access does not require access to common memory resources nor polling operations to verify the status of messages stored into "mailboxes". (Emphasis Added)

Column 6 Lines 8-50 "Referring to FIG. 2, memory 4 contains two zones, 30, and 31. Zone 30 is named MAILBOX CPU and Zone 31 is named MAILBOX I/OP, both of which are used as communication means. Memory locations 32, 33 respectively are coupled to, or associated with, each zone. The contents of these associated zones define the status of a mailbox. In each such location, the contents of at least a cell "L" defines, as a function of the logic level of the bit contained therein, the lock bit, if the coupled resource, the mailbox, is available or not. A mailbox is available if no processor is executing a read/write operation to that mailbox. A mailbox is locked if a processor is already executing an operation in the same memory zone, and that the processor does not want any other processor to access and/or modify the contents of its associated mailbox. When processor I/OP 2 wants to communicate with CPU 1, it tests memory location 3 with a Test & Set operation, that is, with an indivisible read/write operation and will set cell L, or store a logical one in cell L. If, however, through a read operation, processor I/OP 2 detects that cell L of memory location 32, for example, is already at a logical level 1, then associated mailbox 30 is not available, or is locked, and processor I/OP 2 abstains from any further operation on MAILBOX CPU 30. If, on the other hand, I/OP 2 detects that the binary signal stored in cell L of location 32 is a logical zero, that resource can be locked by writing a logical 1 into cell L and I/OP 2 can therefore address MAILBOX CPU 32 and write a message for CPU 1 into mailbox 30. At the end of these operations, by resetting lock bit L to logical level 0, I/OP 2 makes resource, or mailbox 30, available for read/write operations performed by CPU 1. Similar operations are executed by CPU 1 to read/delete a message addressed to it and for writing a message for I/OP 2 into MAILBOX I/OP 31. As memory 4 is a passive unit, processors 1 and 2 can verify if messages addressed to them are present only through a memory polling operation, that is through periodic testing with the result that memory 4 and system bus 82 are locked, or in use during such a polling operations which prevents the execution of other operations at such times." (Emphasis Added)

Thus, in contrast to the Office Action's Assertions, instead of teaching or rendering obvious the claimed features, "polling a media device of a computing system

for a media change wherein said polling of said media device cannot be blocked by said computing system.” (Emphasis Added). Fiacconi appears to Applicants to be polling a memory location for “access and/or modification”. Thus, Fiacconi is not directed toward media change polling, but is instead directed toward memory access polling, which is a distinctly different field of endeavor.

In other words, the polling as taught by Fiacconi, including the cited portions, appears to be directed toward whether or not the memory location is being accessed. However, it does not appear to teach or render obvious an understanding as to the type of access.

For at least these reasons, Applicants respectfully submit that Fiacconi in view of Huffman in view of Feldman fails to teach or render obvious the features recited in independent Claims 1 and 9.

Therefore, Applicants respectfully submit that Independent Claims 1 and 9 overcome the rejections under 35 U.S.C. §103(a), and are thus in condition for allowance.

With respect to Claims 2-8 and 10-16, Applicants respectfully point out that Claims 2-8 and 10-16 depend from allowable independent Claims 1 and 9 and recite further embodiments of the present claimed invention. Therefore, Applicants respectfully submit that Claims 2-8 and 10-16 overcome the rejections under 35 U.S.C. §103(a), and that these claims are thus in a condition for allowance as being dependent on allowable base Claims.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-16 overcome the rejections of record, and therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
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